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Objection Deadline: July 17, 2020

*Attorney for Defendants Morgan Stanley Investment
Management, Inc., Morgan Stanley Capital Partners
V U.S. Holdco LLC, Gary Matthews, Eric Kanter and
Eric Fry*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

TOPS HOLDING II CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 18-22279 (RDD)
(Jointly Administered)

ALAN D. HALPERIN, AS THE LITIGATION
TRUSTEE FOR THE TOPS HOLDING
LITIGATION TRUST,

Adv. Proc. No. 20-08950

Plaintiff,

v.

MORGAN STANLEY INVESTMENT
MANAGEMENT, INC., *et al.*,

Defendants.

NOTICE OF DEFENDANTS' MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, the Declaration of Daniel S. Shamah in Support of Defendants' Motion to Dismiss, and accompanying exhibits, Defendants, by their undersigned counsel, hereby move before the Honorable Robert D. Drain, United States Bankruptcy Judge for the Southern District of New York, in the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601, at such time that the parties agree and the Court approves, for an order dismissing the Complaint with prejudice under Federal Rule of Civil Procedure 12(b)(6), made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7012(b).

Dated: May 29, 2020
New York, New York

Respectfully Submitted,

/s/ Pamela A. Miller

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